

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

OUTDOOR PRODUCT
INNOVATIONS, INC.

Plaintiff,

vs.

JEST TEXTILES, INC., ET AL.

Defendants.

) Case No: 1:18-CV-02457
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) JUDGE PATRCIA A. GAUGHAN
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BRIEF IN OPPOSITION
TO MOTION TO CONTINUE TRIAL

Jest Textiles, Inc. (“Jest”), by and through its undersigned counsel, hereby files its Brief in Opposition to Plaintiff’s Motion to Continue Trial.

On December 15, 2020, the Trial in this matter was reset for September 8, 2021. *See* Exhibit “1.” This case has been pending since 2018 and time is of the essence because **Plaintiff is withholding over a million dollars owed to Jest**. While we appreciate the press of other matters and scheduling conflicts, it does not justify a continuance.

The Plaintiff brought this action and withheld the money owed to Jest. This lawsuit is a problem of Plaintiff’s own creation. Additionally, it is significant to note that **Plaintiff has no less than 3 attorneys working on it**. The primary attorneys working on this matter are Dave Cuppage and Roger Stewart, not Nick Oleski (the attorney with the conflict). In fact, in the myriad of depositions taken, Nick Oleski has never been the attorney of record performing the examination. The signatory on the Motion to Continue is not even Mr. Oleski, it is again Mr. Cuppage.

Jest respectfully opposes any request to further delay this case because Plaintiff has multiple other senior attorneys of record who can try the case and by the time of Trial this matter will have been pending for 3 years. For the foregoing reasons, Jest respectfully requests that the Court deny Plaintiff's motion and hold the trial as scheduled.

Respectfully submitted,

/s/Michael R. Stavnický

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(d) and 5(e), I hereby certify that on this 20th day of July 2021, a copy of the foregoing was delivered by email or electronic mail via this Court's Electronic Filing System to all parties.

/s/ Michael R. Stavnicky